

Document Page 1 of 4
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE:

WALTER C. ROWE
1319 LINCOLN AVENUE
CINCINNATI, OH 45206

CASE NO. 16-10089
(CHAPTER 13)
JUDGE JEFFERY P. HOPKINS

Debtor

CHAPTER 13 TRUSTEE'S
MOTION TO DISMISS

Now comes Margaret A. Burks, Standing Chapter 13 Trustee, and requests that the Court dismiss this case for FAILURE to file documents requested by the Trustee. 11 U.S.C. Section 1307(c)(1). For failure to provide business reporting and/or 2017 tax returns for review. 11 U.S.C. Sec. 1304.

MEMORANDUM

Debtor failed to file the documents necessary to allow the Trustee to continue administration.

The Trustee requests that she be permitted to disburse funds in her possession pursuant to the confirmed plan, minus administrative costs, or if pre confirmation, that Trustee shall disburse funds in her possession to Debtor minus administrative costs. Any funds received after the entry of the Order of Dismissal shall be returned to Debtor.

The Trustee respectfully requests that the motion be granted.

Respectfully submitted,

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.
Chapter 13 Trustee
Attorney No. OH 0030377

Francis J. DiCesare, Esq.
Staff Attorney
Attorney No. OH 0038798

Karolina F. Perr, Esq.
Staff Attorney
Attorney Reg No. OH 0066193

600 Vine Street, Suite 2200
Cincinnati, OH 45202
(513) 621-4488
(513) 621 2643 (Facsimile)
fdicesare@cinn13.org
kperr@cinn13.org
mburks@cinn13.org - Correspondence only

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was served (i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on June 12, 2018 addressed to:

Debtor's Attorney:
BRIAN D. FLICK, ESQ.
THE DANN LAW FIRM CO.
P.O. BOX 6031040
CLEVELAND, OH 44103

Debtor(s):
WALTER C. ROWE
1319 LINCOLN AVENUE
CINCINNATI, OH 45206

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.

Document Page 3 of 4
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE:

WALTER C. ROWE
1319 LINCOLN AVENUE
CINCINNATI, OH 45206

CASE NO. 16-10089
(CHAPTER 13)
JUDGE JEFFERY P. HOPKINS

Debtor

NOTICE OF MOTION TO DISMISS

The Chapter 13 Trustee, Margaret A. Burks, has filed papers with the Court to dismiss your case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in this motion, then on or before twenty-one (21) days from the date set forth in the certificate of service for the motion, you or your attorney must:

File with the Court a response explaining your position by mailing your response by regular U.S. Mail to the address below OR your attorney must file a response using the court's ECF system. The Court must receive your response on or before the above date.

U.S. BANKRUPTCY COURT
ATRIUM II, SUITE 800
221 EAST 4TH STREET
CINCINNATI, OH 45202

You must also mail a copy to:

MARGARET A BURKS, TRUSTEE
CHAPTER 13 TRUSTEE
600 VINE, SUITE 2200
CINCINNATI, OH 45202

U.S. TRUSTEE
36 EAST 7TH ST.
SUITE 2030
CINCINNATI, OH 45202

Debtor's Attorney:
BRIAN D. FLICK, ESQ.
THE DANN LAW FIRM CO.
P.O. BOX 6031040
CLEVELAND, OH 44103

Debtor(s):
WALTER C. ROWE
1319 LINCOLN AVENUE
CINCINNATI, OH 45206

The Court will send you a separate notice if it sets a hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

Date: June 12, 2018

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.